

# Notice of Allowability

Application No.

09/437,352

Examiner

Andrew L. Nalven

Applicant(s)

KANEVSKY ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to appeal brief submitted 6/15/2007.
2. ☒ The allowed claim(s) is/are 1-55.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**KAMBIZ ZAND**  
SUPERVISORY PATENT EXAMINER

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin M. Mason on 11 October 2007.

The application has been amended as follows:

Claim 1. A method for verifying the identity of a user, said method comprising the steps of:

issuing a challenge to said user;

receiving a response to said challenge from said user;

identifying a first location of an authorized person associated with said response, wherein said first location is identified by utilizing a portable device assigned to said user;

identifying a second location where said response is received, wherein said second location is identified by utilizing location information associated with a requested resource at said second location; and

providing access to said user if said first and second locations substantially match.

Claim 6. The method of claim 1, wherein said first location of an authorized person is obtained using an individual global positioning system.

Claim 9. The method of claim 1, wherein said second location where said response is received is obtained from an individual global positioning system associated with a requested device or facility.

Claim 10. The method of claim 1, wherein said second location where said response is received is obtained from recorded information associated with a requested device or facility.

Claim 11. The method of claim 1, wherein said first location of an authorized person is obtained using a triangulation technique.

Claim 12. The method of claim 1, wherein said first location of an authorized person is obtained using enhanced cellular 911 techniques.

Claim 13. The method of claim 1, wherein said first location of an authorized person is obtained by identifying the location of a transmitting device associated with said authorized person.

Claim 14. The method of claim 1, wherein said first location of an authorized person is confirmed by querying said user about something at the location of a requested device or facility.

Claim 16. A method for verifying the identity of a user, said method comprising the steps of:

receiving a response to a challenge from said user;

identifying a first location of an authorized person associated with said response, wherein said first location is identified by utilizing a portable device assigned to said authorized person;

identifying a second location where said response is received, wherein said second location is identified by utilizing location information associated with a requested resource at said second location; and

providing access to said user if said first and second locations substantially match.

Claim 17. The method of claim 16, wherein said first location of an authorized person is obtained using an individual global positioning system.

Claim 20. The method of claim 16, wherein said second location where said response is received is obtained from an individual global positioning system associated with a requested device or facility.

Claim 21. The method of claim 16, wherein said second location where said response is received is obtained from recorded information associated with a requested device or facility.

Claim 22. The method of claim 16, wherein said first location of an authorized person is obtained using a triangulation technique.

Claim 23. The method of claim 16, wherein said first location of an authorized person is obtained using enhanced cellular 911 techniques.

Claim 24. The method of claim 16, wherein said first location of an authorized person is obtained by identifying the location of a transmitting device associated with said authorized person.

Claim 25. The method of claim 16, wherein said first location of an authorized person is confirmed by querying said user about something at the location of a requested device or facility.

Claim 27. A system for verifying the identity of a user, comprising:  
a memory that stores computer readable code; and  
a processor operatively coupled to said memory, said processor configured to:  
receive a response to a challenge from said user;  
identify a first location of an authorized person associated with said password, wherein said first location is identified by utilizing a portable device assigned to said authorized person;  
identify a second location of where said response is received, wherein said second location is identified by utilizing location information associated with a requested resource at said second location; and  
provide access to said user if said first and second locations substantially match.

Claim 28. The system of claim 27, wherein said first location of an authorized person is obtained using an individual global positioning system.

Claim 31. The system of claim 27, wherein said second location where said response is received is obtained from an individual global positioning system associated with a requested device or facility.

Claim 32. The system of claim 27, wherein said second location where said response is received is obtained from recorded information associated with a requested device or facility.

Claim 33. The system of claim 27, wherein said first location of an authorized person is obtained using a triangulation technique.

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Claim 34. The system of claim 27, wherein said first location of an authorized person is obtained using enhanced cellular 911 techniques.

Claim 35. The system of claim 27, wherein said first location of an authorized person is obtained by identifying the location of a transmitting device associated with said authorized person.

Claim 36. The system of claim 27, wherein said first location of an authorized person is confirmed by querying said user about something at the location of a requested device or facility.

Claim 38. An article of manufacture for verifying the identity of a user, comprising:  
a computer readable medium having computer readable code means embodied thereon, said computer readable program code means comprising:  
a step to receive a response to a challenge from said user;  
a step to identify a first location of an authorized person associated with said response, wherein said first location is identified by utilizing a portable device assigned to said authorized person;  
a step to identify a second location where said response is received, wherein said second location is identified by utilizing location information associated with a requested resource at said second location; and  
a step to provide access to said user if said first and second locations substantially match.

Claim 39. A method for identifying a user requesting access to a device, said method comprising the steps of:  
receiving biometric information from said user;  
identifying each registered person within a predefined distance of said requested device, wherein said identification is performed by utilizing a portable device

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assigned to each registered person and wherein a location of said requested device is identified by utilizing location information associated with said requested device; and

identifying said user from among said identified persons using said biometric information.

Claim 42. A method for identifying a user requesting access, said method comprising the steps of:

receiving biometric information from said user;

identifying a list of potential users based on said biometric information; and

identifying said user by comparing a location of each identified potential users with a location where said biometric information was obtained, wherein said location of each identified potential user is obtained by utilizing a portable device assigned to each identified potential user and wherein said location where said biometric information was obtained is identified by utilizing location information associated with a requested resource at said location where said biometric information was obtained.

Claim 45. A method for identifying of a user requesting access to a device, said method comprising the steps of:

receiving a communication from a transmitting device assigned to said user;

identifying said user using a voice recognition system; and

confirming said user requesting access to said device is physically present at the location of said requested device by determining a location of said transmitting device, wherein said location of said requested device is identified by utilizing location information associated with said requested device.

Claim 49. A system for identifying a user requesting access to a device, comprising:

a memory that stores computer readable code; and

a processor operatively coupled to said memory, said processor configured to:

receive biometric information from said user;

identify each registered person within a predefined distance of said requested device, wherein said identification is performed by utilizing a portable device assigned to each registered person and wherein a location of said requested device is identified by utilizing location information associated with said requested device; and

identify said user from among said identified persons using said biometric information.

Claim 52. A system for identifying a user requesting access, comprising:  
a memory that stores computer readable code; and  
a processor operatively coupled to said memory, said processor configured to:  
receive biometric information from said user;  
identify a list of potential users based on said biometric information; and  
identify said user by comparing a location of each identified potential users with a location where said biometric information was obtained, wherein said location of each identified potential user is obtained by utilizing a portable device assigned to each identified potential user and wherein said location where said biometric information was obtained is identified by utilizing location information associated with a requested resource at said location where said biometric information was obtained.

Claim 55. A system for identifying of a user requesting access to a device, comprising:  
a memory that stores computer readable code; and  
a processor operatively coupled to said memory, said processor configured to:  
receive a communication from a transmitting device assigned to said user;  
identify said user using a voice recognition system; and  
confirm said user requesting access to said device is physically present at the location of said requested device by determining a location of said transmitting device, wherein said location of said requested device is identified by utilizing location information associated with said requested device.



The following is an examiner's statement of reasons for allowance: The cited prior art, Li and MacDoran, teach methods of authenticating location in determining whether to grant access. However, the cited prior art fails to teach or suggest an individual user device that is assigned to the user determining a location and comparing that location to a location derived from a second device being utilized by a user to gain access to a system using a challenge response method.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Nalven whose telephone number is 571 272 3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SUPERVISORY PATENT EXAMINER